

## REMARKS

Independent claim 1 is pending, with claims 2 through 21 depending therefrom. Independent claim 22 is pending with claims 23 through 30 and 32 through 35 depending therefrom. Independent claim 37 is pending with claims 38 through 41 depending therefrom.

The rejections of the pending claims are carried forward from the Office Action dated September 6, 2007. In particular, claims 1 through 4, 15, and 16 stand rejected under § 103(a) as being obvious in view of Jacobsen '394 in further view of Seroussi '843, as set forth in sections 3 and 4 of the Office Action. Claims 22, 25, 26, and 31 through 35 stand rejected as obvious under § 103(a) in view of the combination of Phipps '231 in view of Traxler '240, as set forth in section 5 of the Office Action. Claims 37 through 40 stand rejected under § 102(e) as anticipated by Phipps '231, as set forth in sections 1 and 2 of the Office Action. Applicant notes that section 2 of the Office Action is captioned "claims 38 – 40". Applicant, however, assumes that this rejection is meant to apply to claims 37 through 40, as reflected in the last Office Action. Finally, claim 41 stands rejected as obvious in view of Phipps '231 and Lye '376, as set forth in section 6 of the Office Action.

In the "Response to Remarks" section of the Office Action dated January 25, 2008, the Examiner addressed the applicant's prior arguments and amendment with respect to the "static" limitation and arguments. From this section, it is apparent that the Examiner has misinterpreted the use of the limitation "static" as it relates to the present invention. "Static" relates to a characteristic of the item in the environment, not to a physical parameter of the environment. In this regard, applicant proposes to amend independent claims 1, 22, and 37 as set forth herein to alleviate the source of

confusion, and to further patentably define the nature of the environmental data referred to in the claims, as discussed below.

With the system of claim 1, the environmental data that is stored in the electronic tags relates to a characteristic of the associated item that is within the monitored environment. The data is not a monitored or sensed parameter of the environment, such as temperature, or humidity of the environment. This data does not change with conditions in the environment, and is not dependent on the monitored body's position or location in the environment. In this regard, claim 1 is amended herein to specify that the electronic tags that contain the environmental data remain with their respective associated item within the environment such that the electronic tag scanning device retrieves the environmental data when the monitored body comes within a predetermined range of the electronic tags. It is important to note that the electronic tags do not scan or sense parameters of the environment, but simply contain an electronic data signal related to an item within the environment, such as the location of an item, or an identification number or model number associated with the item. In this regard, the stored environmental data relates to non-changing characteristics of the items, and not to sensed parameters of the environment. Applicant respectfully submits that such a system is fundamentally different from that disclosed or suggested in the cited references.

Jacobsen '394 discloses that various sensors may be included in the system for actively sensing and transmitting environmental conditions. For example, the reference describes that the unit 50 may include a relative humidity sensor 300, or temperature sensor 302, and other like active sensors 304. The passage cited by the Examiner at column 7, lines 4 through 12, has been carefully considered, and does not disclose the use of passive electronic tags that are attached or otherwise

associated with items in an environment wherein the soldier may or may not venture. The system of Jacobsen '394 does not teach or suggest of a scanning device that retrieves stored data from passive electronic tags associated with items in an environment, with the tags being externally triggered by the scanning device. With the system according to Jacobsen '394, the portable equipment is carried by the soldier and includes active sensing devices, such as temperature and relative humidity sensors, that detect and transmit parameters of the environment in which the soldier ventures. This is a fundamentally different system than that set forth in claim 1. For example, with the system of claim 1, if the monitored body is not within range of the electronic tags, then the scanning device cannot trigger the tags, and no data is transmitted, regardless of the actual conditions around the monitored person. Likewise, when the monitored body or person leaves the area, the electronic tags remain with the associated item in the environment, and are not carried or otherwise moved with the monitored body.

In summary, the system and method of Jacobsen '394 relates to a personal sensing system that is carried by a person. This system includes a number of different types of sensors for detecting parameters such as temperature of the body, heart rate, breathing rate, soldier's position, motion status, and the like. The system includes a means for communicating the sensed parameters to a remote command location. However, there is no configuration or suggestion in Jacobsen '394 that the system in any way interacts with passive electronic tags that are associated with or otherwise attached to items in the environment wherein the soldier may be, wherein such tags are triggered by a scanning device that comes within a scanning range of the passive tags. Accordingly, applicant respectfully submits that independent claim 1 patentably distinguishes over the system of Jacobsen '394.

Independent claim 22 is also amended herein similar to the amendment discussed above with respect to claim 1. It is respectfully submitted that independent claim 22 defines over the combination of Phipps '231 and Traxler '240 for essentially the reasons discussed above with respect to Jacobsen '394. In particular, Phipps '231 discloses a personal data unit (PDU) 14 that constantly receives communications from a GPS satellite. If the monitoring device 16 detects a certain physiological characteristic of a person, such as loss of pulse, it triggers the PDU 14 to take action in accordance with defined instructions, which may be, for example, to issue an emergency page or call that indicates the patient's location from the GPS signal. As with Jacobsen '394, there is no system or embodiment in Phipps '231 even remotely related to a system wherein passive electronic tags are associated or attached to items within an environment, and which remain with such items regardless of whether a monitored person or body leaves the environment. Phipps '231 does not disclose a system wherein the tags containing data related to the item, such as the model number of the item, transmit the respective data when an electronic tag scanning device comes within a predetermined scanning range of the tags. With the system of Phipps '231, the system is carried by the person and does not interact in any way with passive electronic tags associated with an environment in which the person may or may not venture. The system of Phipps '231 does not rely on interrogation or scanning of electronic tags that may or may not be within range of a person in any particular environment, but relies on a GPS system incorporating a GPS receiver for constantly receiving GPS positioning signals. It should be readily appreciated that such a system is fundamentally different from that set forth in claim 22.

Traxler '240 does not rectify the deficiencies noted above with respect to the base reference Phipps '231, and it is respectfully submitted that independent claim 22 patentably defines over the cited combination of Phipps '231 and Traxler '240.

Independent claim 37 is similarly amended to claims 1 and 22, and is thus allowable over Phipps '231 for essentially the reasons set forth above with respect to claim 22.

Applicant respectfully submits that the present proposed amendment to the independent claims is proper in view of the Final Office Action and requests entry and consideration of the amendment on the merits. The amendment addresses subject matter that has obviously been searched and considered by the Examiner, and does not entail new matter for consideration that requires any substantive amount of work on the part of the Examiner. The present Amendment will place the application in condition for allowance, and favorable action thereon is respectfully requested.

The remaining dependent claims only further patentably define the unique combination of elements of their respective independent claims, and are allowable for at least the reasons set forth above with respect to the independent claims.

With the present Amendment, it is respectfully submitted that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she require any additional information or to further discuss the application.

Respectfully submitted,

DORITY & MANNING, P.A.

By:



Stephen E. Bondura

Registration No.: 35,070

P.O. Box 1449  
Greenville, SC 29602-1449  
(864) 271-1592  
fax (864) 233-7342